

## **RESOLUTION NO. R2017-10**

### **To Acquire Real Property Interests Required for the Lynnwood Link Extension**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>
Capital Committee	03/09/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director Rod Kempkes, Executive Project Director – Lynnwood Link Extension
Board	03/23/2017	Final Action	<b>Kevin Workman, Real Property Director</b>

### **PROPOSED ACTION**

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

### **KEY FEATURES SUMMARY**

- Authorizes the acquisition of property rights on 41 parcels consisting of full and partial acquisitions, temporary construction easements, and/or permanent easements. These properties are located in the cities of Seattle, Shoreline, Mountlake Terrace and Lynnwood.
- The properties are needed for construction, maintenance, and operation of the Lynnwood Link Extension.
- The real properties identified in this action are included in Exhibit A.

### **BACKGROUND**

The Lynnwood Link Extension is an 8.5 mile light rail extension from Northgate to Lynnwood with service to the cities of Shoreline, Mountlake Terrace, and Lynnwood. The extension will travel primarily along I-5 and include four stations at NE 145th Street, NE 185th Street, Mountlake Terrace Transit Center, and Lynnwood Transit Center. New parking structures will be provided at NE 145th Street, NE 185th Street, and Lynnwood Transit Center. The project began Final Design in 2016 and is scheduled to open for service in 2023.

The Lynnwood Link Extension Final Environmental Impact Statement was issued in April 2015, in compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The Sound Transit Board selected the project route, profile, and stations on April 23, 2015. The Federal Transit Administration issued a NEPA Record of Decision (ROD) for the project on July 10, 2015 and the Federal Highway Administration issued a ROD on August 31, 2015.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Lynnwood Link Extension and will reimburse relocation expenses to eligible affected owners and tenants. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach agreement with property owners are unsuccessful.

## PROJECT STATUS

Project Identification	Alternatives Identification	Conceptual Engineering	Preliminary Engineering	Final Design	Construction
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Projected Completion Date for Final Design Phase: Q1 2018

Project scope, schedule, and budget summary located on page 31-38 of the November 2016, Link Progress Report.

## FISCAL INFORMATION

There is sufficient authorized project allocation to date in the right-of-way phase of the project to fund this action. However, there is a risk that the current allocation to this phase is insufficient to complete all future property acquisitions needed for the project. In mid-2017, project baseline costs are expected to be established and it is likely that the authorized project allocation for the right-of-way phase will need to be increased.

The table below does not include the expected cost of this action; however, costs may be discussed with Board members in executive session.

### Lynnwood Link Extension

(in thousands)

	Authorized Project Allocation to Date	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$88,305	\$13,116	\$	\$13,116	\$75,189
Preliminary Engineering	42,000	41,258		41,258	742
Final Design	111,453	84,357		84,357	27,095
Right of Way	123,779	24,188		24,188	99,590
Construction	500	100		100	400
Construction Services	104,925	19,835		19,835	85,090
Third Party Agreements	17,400	7,322		7,322	10,078
Vehicles					
Contingency					
<b>Total Current Budget</b>	<b>\$488,361</b>	<b>\$190,177</b>	<b>\$</b>	<b>\$190,177</b>	<b>\$298,184</b>

Notes:

Amounts are expressed in Year of Expenditure

Board Approvals = Committed To-Date + Contingency as of January 2017, and includes pending Board actions.

For detailed project information, see page 13 of the Proposed 2017 Transit Improvement Plan (TIP) and Board Resolution R2016-37 adopted 12/15/16.

## SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

## PUBLIC INVOLVEMENT

Sound Transit staff has worked closely with the property owners throughout the environmental and preliminary engineering phases. Sound Transit staff has met regularly with the owners about the Lynnwood Link Extension in relation to their properties along the corridor and specifically the properties under consideration. Sound Transit also sent letters to potentially impacted property owners prior to the publication of the Draft and Final Environmental Impact Statements.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on March 7, 2017. Legal notices of this proposed Board action will be published in the Seattle Times and The Herald of Everett newspapers on March 10, 2017 and March 17, 2017.

## **TIME CONSTRAINTS**

A one-month delay would not significantly impact the timing of this project.

## **PRIOR BOARD/COMMITTEE ACTIONS**

Resolution R2017-04: Authorized the chief executive officer to acquire or lease certain real property interests, including acquisition by condemnation and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

Resolution R2016-27: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

Resolution R2016-24: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

Resolution R2015-31: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

Resolution No. R2015-30: Amended the 2015 Adopted Budget by (1) increasing the lifetime capital budget for the Lynnwood Link Extension project by \$423,742,313 from \$64,118,687 to \$487,861,000, (2) increased the 2015 Annual Budget by \$2,329,890 from \$16,324,776 to \$18,654,671, and (3) authorized the project to advance through Gate 4 within Sound Transit's Phase Gate Process.

Resolution R2015-18: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

Resolution R2015-05: Selected the route, profile, and stations for the Lynnwood Link Extension.

Resolution R2014-35: Amended Resolution R2012-18 to also authorize the chief executive officer to acquire certain real property interests as necessary for the Lynnwood Link Extension project, in addition to the previously authorized Northgate Link Extension.

Motion No. M2013-96: Identified the preferred light rail routes and station locations for the Lynnwood Link Extension Final Environmental Impact Statement.

## **ENVIRONMENTAL REVIEW**

Jl 3/1/2017

## **LEGAL REVIEW**

JB 3/3/2017

**RESOLUTION NO. R2017-10**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, environmental compliance pursuant to the State Environmental Policy Act (SEPA) for Lynnwood Link was completed with the Lynnwood Link Project Final Environmental Impact Statement (EIS) issued on April 1, 2015; the Federal Transit Administration issued a Record of Decision (ROD) for the project on July 10 2015, completing the National Environmental Policy Act (NEPA) process; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Lynnwood Link Extension and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the Lynnwood Link Extension, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will negotiate in good faith with the owners of the properties authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreements for the voluntary acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to reimburse eligible relocation and reestablishment expenses shall be paid from Sound Transit general funds.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. The chief executive officer is hereby authorized to execute such agreements as are customary and necessary for the acquisition of interests in the real properties described in Exhibit A (said property to be used for Lynnwood Link Extension) and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties may not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, relocation, and reestablishment costs of the properties for the Lynnwood Link Extension exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer must obtain approval from the appropriate committee or the Board, per Resolution No. 78-2, before the acquisition of the property for the Lynnwood Link Extension by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer or his designee is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of interests in the real property described in Exhibit A. Such settlements shall be made only upon the finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements may not exceed established project budgets. For all other settlements proposed, the chief executive officer must obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-2.

SECTION 3. The Sound Transit Board deems the Lynnwood Link Extension, to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of Lynnwood Link Extension, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Lynnwood Link Extension.

SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in Exhibit A to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the Lynnwood Link Extension. The chief executive officer is also authorized to make minor amendments to Exhibit A, as may be necessary to correct scrivener's errors and/or to the properties required for the Project.

SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on March 23, 2017.



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Dave Somers  
Board Chair

ATTEST:



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Kathryn Flores  
Board Administrator



**RESOLUTION NO. R2017-10  
EXHIBIT A**

LYNNWOOD LINK EXTENSION PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYERS	PROPERTY ADDRESS
1	LL121.1	641210TRCT	Peter R. Graziani Jr. and Alex J. Potter	Vacant Land Seattle, WA 98125
2	LL121.2	6412100194	Peter R. Graziani Jr.	318 NE 123 <sup>rd</sup> St Seattle, WA 98125
3	LL121.3	6412100192	Gregory S. Hamilton and Jennifer E. Hamilton	12304 3 <sup>rd</sup> Ave. NE Seattle, WA 98125
4	LL121.6	6412100175	Ronald Larry Wilson	12305 3 <sup>rd</sup> Ave. NE Seattle, WA 98125
5	LL126.3	4383200005	Robert S. Bordner III and Lori Bordner	222 NE 125 <sup>th</sup> St Seattle, WA 98125
6	LL126.4	6412600023	Un-Sun Banks and Milfort C. Banks	326 NE 125 <sup>th</sup> St Seattle, WA 98125
7	LL126.5	6412600022	Wayne Farrell	316 NE 125 <sup>th</sup> St Seattle, WA 98125
8	LL126.6	6412600021	Shawn K. Franson	12502 3 <sup>rd</sup> Ave. NE Seattle, WA 98125
9	LL127	6413600375	Hans E. Van Amerongen	505 NE 125 <sup>th</sup> St Seattle, WA 98125
10	LL128	6414100010	George Clement	502 NE 125 <sup>th</sup> St Seattle, WA 98125
11	LL164	3222200030	Dzung Nguyen and Lo Nguyen-Phan	301 NE 151 <sup>st</sup> St Shoreline, WA 98155
12	LL185	7301400050	Jared Greene and Shauna Greene	127 NE 165 <sup>th</sup> St Shoreline, WA 98155
13	LL185.1	7301300035	Leonard R. English and Sherry K. English	135 NE 165 <sup>th</sup> St Shoreline, WA 98155
14	LL186	5727500330	Henry D. Bordner and Marilyn N. Bordner	126 NE 165 <sup>th</sup> St Shoreline, WA 98155
15	LL186.1	7301500010	Luke E. Medcalf and Nicole A. Medcalf	132 NE 165 <sup>th</sup> St Shoreline, WA 98155
16	LL186.2	5727500380	King County	Transit Station Shoreline, WA 98155
17	LL196.3	7305300205	Eliass Alfi and Lisa Alfi	104 NE 170 <sup>th</sup> St Shoreline, WA 98155
18	LL222.1	1115100110	Alice E. Headings	331 NE 180 <sup>th</sup> St Shoreline, WA 98155
19	LL222.2	1115100060	Manmeet Singh	213 NE 180 <sup>th</sup> St Shoreline, WA 98155

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYERS	PROPERTY ADDRESS
20	LL222.3	1115100025	Christopher T. Carleton	205 NE 180 <sup>th</sup> St Shoreline, WA 98155
21	LL222.5	1115100137	James Noyes and Margaret Ann Noyes	17861 5 <sup>th</sup> Ave. NE Shoreline, WA 98155
22	LL222.6	6018900000	Neilson Estates Residential Aditi Sood Gabriell Espinoza-Wingerter Cristina Lynn Domeier and Jacob Hornbuckle	339 NE 180 <sup>th</sup> St 343 NE 180 <sup>th</sup> St 347 NE 180 <sup>th</sup> St Shoreline, WA 98155
23	LL267.4	3985300325	Shawn Hines	706 NE 195 <sup>th</sup> St Shoreline, WA 98155
24	LL267.5	3985300326	Bradley P. Serka and Maria E. Gue	702 NE 195 <sup>th</sup> St Shoreline, WA 98155
25	LL267.6	6135300035	C. Michelle Haas	524 NE 195 <sup>th</sup> St Shoreline, WA 98155
26	LL269	27043200401600	Mountlake Terrace TOD, LLC	Mountlake Terrace, WA 98043
27	LL269.2	3971700215	Charles Henry Beltman	20005 12 <sup>th</sup> Ave. NE Shoreline, WA 98155
28	LL269.3	3971700220	Daniel Howell	1114 NE 200 <sup>th</sup> St Shoreline, WA 98155
29	LL269.4	3971700225	Ronald O. Little and Diane E. Little	1104 NE 200 <sup>th</sup> St Shoreline, WA 98155
30	LL269.5	3971700230	Nicole Heim and Jason Burke	1102 NE 200 <sup>th</sup> St Shoreline, WA 98155
31	LL269.6	3971700425	Miguel Angel Gonzalez	838 NE 200 <sup>th</sup> St Shoreline, WA 98155
32	LL269.7	3971700420	Naomi J. Murphy and Sean A. Murphy	834 NE 200 <sup>th</sup> St Shoreline, WA 98155
33	LL269.8	3971700410	Tammy L. Fairbanks and Karen Napora	822 NE 200 <sup>th</sup> St Shoreline, WA 98155
34	LL269.9	3971700400	Alexandra Kazakova	814 NE 200 <sup>th</sup> St Shoreline, WA 98155
35	LL269.10	3971700395	Isidro Rodriguez and Kiki Rodriguez	808 NE 200 <sup>th</sup> St Shoreline, WA 98155
36	LL269.11	3971700390	Stephanie Wilmore	802 NE 200 <sup>th</sup> St Shoreline, WA 98155
37	LL269.12	3971700385	Jesse A. Doshier	624 NE 200 <sup>th</sup> St Shoreline, WA 98155
38	LL269.13	3971700382	Elizabeth R. Volk	622 NE 200 <sup>th</sup> St Shoreline, WA 98155
39	LL269.14	3971700370	Robert A. Lloyd	618 NE 200 <sup>th</sup> St Shoreline, WA 98155
40	LL270	27043200400700	Mountlake Terrace TOD, LLC	6004 237 <sup>th</sup> St. SW Mountlake Terrace, WA 98043



<b>ITEM</b>	<b>ROW ID</b>	<b>TAX PARCEL NUMBER</b>	<b>TAX PAYERS</b>	<b>PROPERTY ADDRESS</b>
41	LL300	00619500000102	Edmonds School District 15	20601 52 <sup>nd</sup> Ave. W Lynnwood, WA 98036